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Security Council

Sixty-sixth year

Provisional

6566th meeting

Monday, 27 June 2011, 10 a.m.

New York

President:	Mr. Messone	(Gabon)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Yang Tao
	Colombia	Mr. Alzate
	France	Mr. Araud
	Germany	Mr. Berger
	India	Mr. Hardeep Singh Puri
	Lebanon	Ms. Ziade
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

The situation in Libya

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Pascoe.

Mr. Pascoe: Please allow me to provide a short briefing this morning on the military, political and humanitarian situation in Libya.

It has been almost five months since the political crisis in Libya began, three months since the passage of resolution 1973 (2011) and 100 days since NATO operations began. While we do not have a detailed understanding of the military situation on the ground, it is clear that the initiative, although halting, is now with the opposition forces and is supported at times by NATO air power. Press reports point to heavy fighting in the vicinity of Bir Al-Ghanam, some 50 miles from Tripoli. There are also reports of some fighting in Brega, shelling by regime forces in Misrata and NATO air strikes in Tripoli.

We are continuing our efforts to implement the provisions of resolutions 1970 (2011) and 1973 (2011). The Secretary-General has continued his discussions with Libyan authorities, world leaders and the heads of the African Union (AU), the European Union (EU), the League of Arab States, the Organization of the Islamic Conference (OIC) and NATO on the situation in Libya. Recently, he participated in the second high-level meeting of regional organizations, held in Cairo on 18 June, via videoconference. The representatives of the AU, the EU, the League of Arab States and the OIC, together with the Secretary-General and his Special Envoy to Libya, exchanged views on the ways and means to bring the current conflict to an end, ensure the effective protection of the civilian population and usher in a political process that would make it possible to develop the legitimate aspirations of the Libyan people. During that meeting, all participating organizations were united in their resolve to find a lasting solution to the crisis and issued a joint press statement to that end.

The Special Envoy, Mr. Abdel-Elah Al-Khatib, is today in South Africa to confer with President Jacob Zuma following yesterday's meeting of the African Union Ad Hoc High-Level Committee on Libya. He will then accompany the Deputy Secretary-General to Malabo to attend the AU Summit in order to discuss with other African leaders, the African Union Commission and the Libyan parties the next step in the political process. He plans to visit Libya in the near future and will then travel to New York to brief the Security Council.

The Special Envoy has made two additional trips to Libya since I last briefed the Council, on 31 May (see S/PV.6541). He continues to be in close contact with both parties. He is trying to narrow the differences between the two parties and to start indirect talks. On 7 and 8 June, he met with Government officials in Tripoli and Transitional National Council (TNC) representatives in Benghazi and discussed with both parties their views on a transition process. He is also in frequent telephone contact with all of the relevant parties. Discussions have revolved around the need to end hostilities, agree on a transitional arrangement that is linked to a political process and facilitate safe humanitarian access.

In Tripoli, the Special Envoy encouraged the regime to accept a transition and to define its parameters. The authorities in Tripoli emphasized the centrality of the United Nations in dealing with the current crisis and their readiness to engage in a process to implement resolutions 1970 (2011) and 1973 (2011). In Benghazi, he stressed to the TNC the importance of engaging in a dialogue that would lead to a political solution. The TNC reiterated its willingness to work with, and through, the United Nations, including engaging in indirect talks so as to define a transition.

I should also note that today, the International Criminal Court issued arrest warrants for Colonel Muammar Al-Qadhafi, his son, Mr. Saif Al-Islam Qadhafi, and Mr. Abdullah Al-Senussi on charges of crimes against humanity.

Let me now turn to the humanitarian situation. As of 23 June, over 1.1 million people had crossed the Libyan borders into Tunisia, Egypt, Niger, Algeria, Chad and the Sudan. However, as the opposition takes control of some of the towns and cities, there are

reports that some migrant workers are actually returning to Libya. An estimated 3,000 individuals remain stranded at border points in Egypt, Tunisia and Niger. Around 16,000 people have arrived by boat in Italy and Malta. At least 1,400 people, mostly African migrants, are also in the area. We are also concerned about the many migrants, mostly sub-Saharan Africans, who are sailing in dangerous conditions towards Europe from Libya. Many of those migrants remain unaccounted for, or have died at sea.

Several of the neighbouring countries have raised serious concerns about the impact of the Libyan crisis. The loss of remittances from migrant workers and reports of flows of arms from Libya to the Sahel could further complicate the already fragile situation in the region. For instance, more than 70,500 Chadians and 82,000 people from Niger have returned to their countries. The socio-economic strain is a serious issue.

I am pleased to report that since 29 May, United Nations humanitarian agencies have been able to access Tripoli, Al-Khums, Zliten and Gharyan, in the Nafusa mountains, as well as opposition-controlled areas in Misrata and Ajdabiya and the Dehiba crossing point on the Libya-Tunisia border. This is largely due to an agreement that was reached with the Libyan authorities in April to provide security and other necessary arrangements for humanitarian agencies in accordance with the provisions of resolution 1973 (2011).

Since the adoption of resolution 1973 (2011), the Secretary-General has received more than 45 communications from approximately 25 Member States and regional organizations and arrangements, informing him of actions taken with respect to the implementation of the resolution. The majority of those communications relate to paragraphs 4 and 8, and the remainder relate to humanitarian exemptions under paragraph 7, although they do not always fall under specific provisions in all of the cases.

Last month, I provided the Council with an update on the 26 April letter addressed to the Secretary-General by NATO's Secretary-General conveying their first monthly report. Since then, we received three technical update reports — dated 6 May, 7 June and 15 June, respectively — in addition to a second monthly report, dated 26 May, and a third monthly report, which arrived today.

I know the Chair of the Libya Sanctions Committee will brief the Council separately, but I would only like to underscore that, in accordance with paragraph 24 of resolution 1973 (2011), the Secretary-General has finalized the appointment of eight experts to serve on the Panel of Experts to assist the Committee in carrying out its mandate.

Let me conclude with the following points.

First, resolutions 1970 (2011) and 1973 (2011) are clear. We have an obligation to protect the people of Libya, and that is the goal of the current international efforts. We must ensure that the basic rights and freedoms of the Libyan people are fully respected and protected and that their legitimate aspirations are met.

Secondly, we are concerned about all reports of civilian casualties, whether resulting from the regime's violence, which of course has been responsible for the vast majority of civilian casualties, or from military actions by opposition forces or NATO. The Secretary-General has emphasized that every effort must be made to avoid exposing civilians to risk.

Thirdly, we appreciate the full support of the Security Council and the international community for Special Envoy Al-Khatib as he works with the parties on a political solution to end the violence in Libya, allow us to provide humanitarian assistance to the people in need and meet the legitimate aspirations of the people of Libya. While an agreement is still far from being concluded, the beginning of a negotiation process is certainly under way. The process must be given space to grow and bear fruit. It is important for the international community to deliver a consistent, clear and coherent message on a political solution to both parties.

Fourthly, early preparations for post-conflict peacebuilding and peace consolidation must clearly be part of our planning. We will discuss that further in our private meeting.

The President (*spoke in French*): I thank Mr. Pascoe for his br fing.

I now give the floor to the representative of South Africa.

Mr. Mashabane (South Africa): At the outset, I would like to thank Mr. Pascoe for providing the

Security Council with a comprehensive briefing on the situation in Libya.

This meeting is taking place exactly 100 days after the start of the NATO aerial bombardment in Libya. Despite that military action, there has not been a solution to the Libyan crisis. In fact, the situation has deteriorated, with more loss of civilian life and massive destruction of infrastructure.

Since the beginning of the Libyan crisis, South Africa has continued to call on the international community, including the Security Council, to focus its energies on finding a political solution, and not a military one. To date, we still maintain that the political, rather than the military, solution is the only way in which durable peace can be achieved in Libya. This is emphasized in paragraph 2 of resolution 1973 (2011), which stresses the need to intensify efforts aimed at a political outcome. It is for that reason that we strongly feel that resolution 1973 (2011) should be implemented in its entirety in letter and spirit.

When South Africa voted in favour of resolution 1973 (2011), our intention was to ensure the protection of civilians as well as unhindered access to humanitarian aid for those who desperately needed it. We had hoped that this would have created an enabling environment within which the Libyans would negotiate a solution to the crisis that had befallen them. Our intention was never regime change; nor was it the targeting of individuals. The future of Libya should be decided by the Libyans themselves, and not by outsiders.

In an effort to support the political process in Libya, the African Union (AU) has devised a road map that encourages an inclusive and consensual Libyan-owned and -led transition. This will lead to the adoption and implementation of the necessary political reforms to address the causes of the current crisis, including democratic elections to enable the Libyans to freely choose their leaders. The African Union is central to any solution in Libya and will continue its efforts towards finding a political solution to the crisis there.

Having said that, we believe that the United Nations should take the lead in peace efforts in Libya in order to coordinate the different initiatives and avoid any confusion that the plethora of initiatives may cause. In that context, we support fully the role that the Secretary-General's Special Envoy, Mr. Al-Khatib, continues to play in Libya.

Yesterday, South Africa hosted a meeting of the AU ad hoc High-Level Committee on Libya in Pretoria to review developments in Libya and the role of the African Union. The Committee reiterated the AU's deep concern about the continuing fighting between the Libyan warring parties and the NATO-led aerial bombardment. The Committee reiterated the African Union's conviction that only a political solution would make it possible to sustainably settle the current conflict. In pursuing its objectives to find a political solution to the crisis, the Committee agreed to continue its work with the Government of the Libyan Arab Jamahiriya and the Transitional National Council of Libya based, inter alia, on the following elements.

The first is calling on both parties to commit themselves to an immediate suspension of hostilities. Following the suspension of hostilities, and in accordance with paragraph 3 of resolution 1973 (2011) and the African Union road map, the Libyan parties should begin the national dialogue for a comprehensive ceasefire, national reconciliation, transitional arrangements and the agenda for democratic transformation. The national dialogue would be followed by the establishment of an interim Government, with the support of the African Union and the United Nations through the AU ad hoc High-Level Committee and the Special Envoy of the Secretary-General.

The Committee further reiterated the African Union's demand for an immediate pause in the fighting and the NATO-led bombings to provide a respite to the civilian population, alleviate its suffering and make it possible to deliver much-needed humanitarian assistance to all those requiring it.

The Committee also welcomed the decision by Colonel Al-Qadhafi not to be part of the negotiations process. We hope that this decision by Colonel Al-Qadhafi will help the Libyan parties to immediately begin a political dialogue in line with the AU road map. The AU Summit, which will take place in Malabo later this week, will further pursue efforts to implement the road map.

In conclusion, South Africa calls on the Security Council, the United Nations in general and other stakeholders to work hand in hand with the African Union in our collective resolve to deliver the people of

Libya from the scourge of the conflict in which they find themselves.

The President (*spoke in French*): I now give the floor to Ambassador José Filipe Moraes Cabral of Portugal in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya.

Mr. Moraes Cabral (Portugal): In accordance with paragraph 24 (e) of Security Council resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Council on the work of the Committee established by the same resolution. The report covers the period from 29 March to 27 June 2011.

During this period, the Committee convened one informal consultation, on 6 June, to meet with the newly appointed Panel of Experts and hear a briefing by INTERPOL on the value of INTERPOL's notice system to the Security Council's sanctions committees. The Panel is currently on mission to several countries in Europe, to be followed by travel to countries in Africa, in order to gather information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011). The Committee expects to receive a copy of the Panel's interim report no later than 10 August.

Aside from the informal consultations, the Committee dealt with a number of written communications from Member States, most of which relate to the assets freeze measure. I will not go into detail here regarding each and every communication. In sum, the Committee granted 10 requests for exceptions to the asset freeze, under the basic expenses provision set out in paragraph 19 (a) of resolution 1970 (2011). It acknowledged receipt of one notification under the lien or judgement provision set out in paragraph 19 (c) of the resolution, and it acknowledged receipt of 25 notifications under the prior contracts provision set out in paragraph 21 of the resolution. The Committee has also answered, or is in the process of answering, a total of 15 requests for guidance concerning the scope and implementation of the assets freeze.

At this point, I would like to assure those Member States that have yet to receive a response to their request for guidance that the members of the Committee are working diligently to address those requests.

In connection with the arms embargo, the Committee approved one request for an exception to that measure, in accordance with paragraph 9 of resolution 1970 (2011), vis-à-vis demining equipment. Moreover, the Committee responded to a request for clarification on the scope of the arms embargo as well as a request for additional information relating to its enforcement on the high seas. In the context of such enforcement, the Committee has thus far received 11 reports of inspection of cargo on board vessels heading towards Libya.

In paragraph 19 of resolution 1973 (2011), the Council directed the Committee to designate additional Libyan authorities, individuals or entities as subject to the assets freeze. Most of the specific proposals are still under the Committee's consideration. However, as of 24 June 2011, the Committee had listed two individuals as subject to the travel ban and assets freeze and one entity as subject to the assets freeze.

Finally, in paragraph 25 of resolution 1970 (2011), the Council called upon all Member States to report to the Committee within 120 days of the adoption of the resolution, that is, by 26 June 2011, on the steps they had taken with a view to implementing effectively the arms embargo, the travel ban and the assets freeze. To date, the Committee has received only 30 implementation reports. The Committee dispatched two notes verbales to all Member States reminding them of the deadline for submission, and I would like to take this opportunity to remind them once again.

The President (*spoke in French*): I thank Ambassador Moraes Cabral for his briefing.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.30 a.m.